

BEFORE THE
STATE COMMITTEE FOR SOCIAL WORKERS
STATE OF MISSOURI

STATE COMMITTEE FOR SOCIAL WORKERS)	
)	
)	
Petitioner,)	
)	Case No. 00-0736SW
v.)	
)	
FREDERICK SPENCER)	
)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

STATEMENT OF THE CASE

On May 25, 2000, following a Motion for Summary Determination, the Administrative Hearing Commission issued its Memorandum and Order in the case of State Committee for Social Workers v. Frederick Spencer, Case No. 00-736SW. In its Memorandum and Order, the Administrative Hearing Commission found cause to discipline Respondent's license to practice as a licensed clinical social worker pursuant to §337.630.2(2), (5), (6), (13), and (15), RSMo Cumulative Supp. 1999.

The State Committee for Social Workers (hereinafter the "Committee") has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Memorandum and Order. The Memorandum and Order of the Administrative Hearing Commission is incorporated herein by reference.

The Committee set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

Pursuant to a Notice of Hearing and §§621.110, RSMo 1994, and 337.630.4, RSMo Cumulative Supp. 1999, the Committee held a hearing on June 29, 2000, at Marriott's Tan-Tar-A Resort, Highway KK, Osage Beach, Missouri, to determine the appropriate disciplinary action against Respondent's license. Petitioner was represented by Assistant Attorney General Charissa Watson. Respondent was not present at the hearing and was not represented by legal counsel. Seven (7) members of the Committee were present and participated in the Committee's deliberation, vote, and order.

FINDINGS OF FACT

1. The State Committee for Social Workers ("Committee") is an agency of the State of Missouri created and established pursuant to §337.622, RSMo Cumulative Supp. 1999, for the purpose of fulfilling the responsibilities set forth in §§337.600 to 337.649, RSMo.

2. Respondent Frederick Spencer is licensed by the Committee as a licensed clinical social worker, License No. SW003575. Respondent's Missouri license is current and was so at all times relevant herein.

3. On May 25, 2000, the Administrative Hearing Commission issued its Memorandum and Order finding cause to discipline Respondent's license pursuant to §337.630.2(2), (5), (6), (13), and (15), which state:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

. . . .

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a clinical social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

. . . .

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a clinical social worker;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.639;

. . . .

(13) Violation of any professional trust or confidence;

. . . .

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

CONCLUSIONS OF LAW

4. The Committee has jurisdiction over this proceeding pursuant to §§621.110, RSMo 1994, and 337.630.4, RSMo Cumulative Supp. 1999.

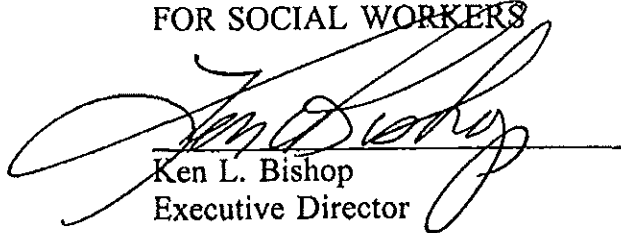
ORDER

THEREFORE, having fully considered all evidence before this Committee, and giving full weight to the Memorandum and Order of the Administrative Hearing Commission, it is the ORDER of this Committee that Respondent's ("Licensee's") license as a licensed clinical social worker is hereby REVOKED.

Upon receipt of this Order, Respondent Frederick Spencer shall immediately return all evidence of Missouri licensure to the State Committee for Social Workers.

SO ORDERED EFFECTIVE THIS 14 day of July, 2000.

STATE COMMITTEE
FOR SOCIAL WORKERS



Ken L. Bishop
Executive Director